



TIER TWO INSTRUCTIONS

Submission of the Tier Two report is required by Title III of the Superfund Amendments and Reauthorization Act of 1986 ("SARA Title III"), section 312; public law 99-499, codified at 42 U.S.C. section 11022. The purpose of the Tier Two report is to provide state and local officials and the public with specific information on hazardous chemicals present at your facility during the past year.

The Tier Two report can be submitted in one of two formats in Michigan: via the Internet using TIER II MANAGER™ or in paper form printed from the TIER II MANAGER™ program or using Michigan's new Tier Two form, EQP 3518 (12/06). The new Tier Two form includes some additional information required to enter the facility information into the new State database. The new form, as well as online submittal information, is available from the Michigan SARA Title III Program or on the Internet at www.michigan.gov/deqsara, click on the SARA Title III Hazardous Chemical Inventory link.

Do NOT use EPA's software to report in Michigan.

WHERE TO SUBMIT THE TIER TWO REPORTS

The reports required under section 312 must be submitted to ALL of the following agencies:

1. The State Emergency Response Commission (SERC). The Michigan SARA Title III Program accepts all reports on behalf of the SERC.
2. Your Local Emergency Planning Committee.
3. The fire department with jurisdiction over your facility.

Refer to the Frequently Asked Questions document for submittal details.

DUE DATE

Tier Two information must be submitted annually by **March 1**. You must report hazardous chemicals that were present at your facility at any time during the previous calendar year at levels that equaled or exceeded the thresholds.

The Michigan SARA Title III Program and the SERC strongly encourage you to utilize TIER II MANAGER™ to file your Tier Two reports with the state. Online reporting makes your data available in real time, eliminating the delays resulting from mail time, processing and data entry. Data entered will be available for your review and for updating as necessary throughout the year.

Michigan does not support the use of the Tier One form for submittal of the hazardous chemical inventory. If you use the Tier One form, you will be asked by the SERC, LEPC, or local fire department to submit a Tier Two report instead. You will have 30 days in which to submit the requested report to all agencies.

WHO MUST SUBMIT THE TIER TWO REPORT

Facilities that are required under OSHA regulations to prepare or have available an MSDS for hazardous chemicals are subject to Tier Two reporting if they have chemicals that meet or exceed the thresholds.

If your facility is not covered by OSHA, there is no reporting required. HOWEVER, in the interest of emergency preparedness, you are urged to consider reporting any chemicals that meet the reporting threshold requirements.

Federal agencies were directed by Executive Order No. 12856, signed by President Clinton on August 3, 1993, to comply with all provisions of SARA Title III and the Pollution Prevention Act (PPA).

WHAT CHEMICALS ARE INCLUDED

Under OSHA regulations, employers must maintain an MSDS for any hazardous chemical or substance stored or used in the work place. Over 500,000 products have MSDSs required by OSHA. These are referred to here as "OSHA hazardous chemicals." There is *no list* of these OSHA hazardous chemicals.

Section 312 of SARA Title III requires that owners or operators of facilities submit annual reports of the OSHA hazardous chemicals if they meet or exceed certain **thresholds**. The thresholds refer to the total amount of chemical on site, in storage and in process, at any one given time.

REPORTING THRESHOLDS

The minimum thresholds for reporting are:

- Extremely hazardous substance (EHS) = **500 pounds** or the **threshold planning quantity (TPQ)**, whichever is less. The amount of an EHS at a facility (both pure EHSs and EHSs in mixtures) must be aggregated for purposes of threshold determination. Include EHSs in mixtures if they make up at least 1% of the mixture, or 0.1% if the EHS is a carcinogen.
- Gasoline at retail gas stations if all gasoline is stored in compliant underground storage tanks = **75,000 gallons**.
- Diesel fuel at retail gas stations if all diesel fuel is stored in compliant underground storage tanks = **100,000 gallons**.
- All other OSHA hazardous chemicals (except as stated in the next bullet) = **10,000 pounds**.
- The threshold for reporting in response to a request from the SERC, LEPC, or local fire department = **zero**. Regardless of the amount of chemical on site, you must submit a report if you are asked to do so by one of these agencies.

The thresholds for most substances are in pounds. What if your substance is a liquid and you only know the number of gallons? You will need to convert gallons to pounds by using this formula:

$$\text{Specific gravity of product} \times 8.34 \text{ lb/gal (weight of water)} = \text{weight of product in lb/gal}$$

The specific gravity (also called the relative density) can be found in the "Physical & Chemical Properties" section of the MSDS. It is a unit-less number that tells how much the substance weighs relative to the weight of water. If the specific gravity is 1, the substance weighs the same as water. If it is less than 1, then the substance weighs less than water. The specific gravity is often reported as a range. Use the highest value in the calculation.

WHAT CHEMICALS ARE EXCLUDED

Section 311(e) of SARA Title III excludes the following substances:

- Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration.

- Any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use.
- Any substance to the extent it is used for personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public.
- Any substance to the extent it is used in a research laboratory or a hospital or other medical facility under the direct supervision of a technically qualified individual.
- Any substance to the extent it is used in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer.

Hazardous waste that is covered by the Resource Conservation and Recovery Act (RCRA) is not regulated by OSHA and is therefore exempt. HOWEVER, in the interest of emergency preparedness, you are urged to consider reporting any hazardous wastes that meet the reporting threshold requirements.

INSTRUCTIONS FOR COMPLETING THE TIER TWO FORM

FACILITY IDENTIFICATION

- Enter the full name of your facility.
- Enter the full street address or state road. If a street address is not available, enter other appropriate identifiers that describe the physical location of your facility. Include the city, county, and zip code.
- Enter the name of your Local Emergency Planning Committee (LEPC) to whom you will submit this report.
- Enter the name of the Fire Department that will respond in the event of an emergency at your facility, and to whom you will submit this report.
- Enter the primary Standard Industrial Classification (SIC) code for your facility. If you do not know your SIC code, go to www.osha.gov/pls/imis/sicsearch.html.
- Enter the facility phone number. If there is no phone at the facility, enter N/A.

OWNER/OPERATOR

Enter the owner's or operator's full name, mailing address, and phone number. This should be a business address, not a home address.

MAILING ADDRESS

Enter the mailing address that should be used for correspondence with the owner, operator or other facility personnel regarding this report.

EMERGENCY CONTACT

Enter the name, title, and work phone number of at least one local person or office who can act as a referral if emergency responders need assistance in responding to a chemical accident at the facility.

Provide an emergency phone number where such emergency information will be available 24 hours a day, everyday. This requirement is mandatory. The facility must make some arrangement to ensure that a 24 hour contact is available.

It is highly recommended that you provide at least one back-up emergency contact. If you are reporting online, TIER II MANAGER™ allows you to enter up to 4 emergency contacts, and 3 phone numbers for each contact.

REPORTING PERIOD

Enter the appropriate calendar year, beginning January 1 and ending December 31. The reporting period is the *previous* full calendar year – just like for your taxes.

CHEMICAL DESCRIPTION

- Enter the Chemical Abstracts Service (CAS) number. This will be listed on the MSDS. For mixtures, enter the CAS number of the mixture as a whole if it has been assigned a number distinct from its constituents. For a mixture that has no CAS number, enter N/A.
- Important: Read the Trade Secret section below before you mark the Trade Secret box.
- Enter the chemical name or common name of the hazardous chemical. Do not enter the trade name.
- Check boxes for ALL applicable descriptors: pure and/or mixture; solid and/or liquid and/or gas; and if the chemical is or contains an EHS.

- If the chemical is a mixture containing an EHS, enter the chemical name of each EHS in the mixture.

SIGNIFICANT MIXTURE COMPONENTS

This section is optional. Enter the CAS number, chemical name, and weight percent (%) of up to three (3) significant mixture components. If the mixture component is an EHS, mark the EHS box. If you are reporting online, TIER II MANAGER™ allows you to enter additional mixture components.

TRADE SECRET

Trade Secret information refers to the product or chemical, and should not be confused with MSDSs that claim trade secrecy with regard to the ingredients in a product. If you are withholding the name of a chemical in accordance with criteria specified in section 322 of SARA Title III (it is a trade secret that you have a certain product or chemical on site), enter the generic class or category that is structurally descriptive of the chemical (e.g., list toluene diisocyanate as organic isocyanate) and check the box marked Trade Secret. Trade secret information must be submitted to EPA and must include substantiation. Refer to 53 FR 28772, July 29, 1988, for detailed information on how to submit trade secrecy claims. You can obtain a copy of the Trade Secret Substantiation Form from the Michigan SARA Title III Program. If you are submitting online, a link to this form and instructions is included in the program.

PHYSICAL AND HEALTH HAZARDS

Check all the physical and health hazards that apply. This information will be on the MSDS.

Hazard Categories and Descriptions for Reporting Under Sections 311 and 312	
Fire	Flammable, combustible liquid, pyrophoric, and oxidizer
Sudden release of pressure	Explosive and compressed gas
Reactive	Unstable reactive, organic peroxide, and water reactive
Immediate (acute)	Highly toxic, toxic, irritant, sensitizer, corrosive, and other hazardous chemicals that cause an adverse effect to a target organ and which effect usually occurs rapidly as a result of short term exposure and is of short duration
Delayed (chronic)	Carcinogens and other hazardous chemicals that cause an adverse effect to a target organ and which effect generally occurs as a result of long term exposure and is of long duration

INVENTORY

Maximum Daily Amount: Estimate the greatest amount of the chemical that was present at your facility (in storage and in process) on any single day during the reporting period. *This is the worst case scenario in the event of an emergency at your facility – what is the maximum amount of chemical that could be expected to be involved?* Enter this amount in pounds. Alternatively, you may enter the amount code from Table I. If you enter the amount code, the median amount in pounds will be entered into the State database. For example, if you enter amount code 04, an amount of 55,000 pounds will be entered into the State database.

Average Daily Amount: Estimate the amount of the chemical that was present at your facility on an average day during the reporting period. *This is the most likely scenario in the event of an emergency at your facility – how much chemical would generally be expected to be involved?* Enter this amount in pounds. Alternatively, you may enter the amount code from Table I. If you enter the amount code, the median amount in pounds will be entered into the State database.

Table I – REPORTING RANGES

Range Values	Weight Range in Pounds	
	From:	To:
01	0	99
02	100	999
03	1,000	9,999
04	10,000	99,999
05	100,000	999,999
06	1,000,000	9,999,999
07	10,000,000	49,999,999
08	50,000,000	99,999,999
09	100,000,000	499,999,999
10	500,000,000	999,999,999
11	1 billion	Higher than 1 billion

Enter the number of days that the chemical was on site during the reporting period.

STORAGE CODES AND LOCATIONS

Non-Confidential Location Information

List the non-confidential chemical locations (including storage conditions) on the Tier Two form. The Tier Two form allows you to enter 6 locations per chemical. In the online reporting program, you can enter an unlimited number of chemical locations. Refer to Table II for the container type code, and to Table III for the temperature and pressure codes. Enter a location description on the line following the codes.

Table II – CONTAINER TYPES	
CODES	CONTAINERS
A	Outside above ground tank
B	Below ground tank
C	Tank inside building
D	Steel drum
E	Plastic or non-metallic drum
F	Can
G	Carboy
H	Silo
I	Fiber drum
J	Bag
K	Box
L	Cylinder
M	Glass bottles or jugs
N	Plastic bottles or jugs
O	Tote bin
P	Tank wagon
Q	Rail car
R	Other (describe on location line)

Table III – TEMPERATURE AND PRESSURE CONDITIONS	
CODES	PRESSURE CONDITIONS
1	Ambient pressure
2	Greater than ambient pressure
3	Less than ambient pressure
TEMPERATURE CONDITIONS	
4	Ambient temperature
5	Greater than ambient temperature
6	Less than ambient temperature but not cryogenic
7	Cryogenic conditions

Confidential Location Information

Under section 324 of SARA Title III, you may withhold location information on a specific chemical from disclosure to the public. The location information includes the storage codes. While the information that you provide on the type and amount of chemical must be made available to the public, you are not required to make storage location information available if doing so might pose a security risk. If you choose to keep the location confidential:

- Enter the word “confidential” in the Non-Confidential Location section of the Tier Two form on the first line of the storage locations.

- On a separate Tier Two Confidential Location Information Sheet (Michigan form EQP 3519 (12/06)), enter the name and CAS number of each chemical for which you are keeping the location information confidential.
- Enter the appropriate location and storage information as described for the non-confidential locations.
- Attach the Tier Two Confidential Location Information Sheet to the Tier Two form. This separates confidential locations from other information that can be disclosed to the public.

If you want to keep storage location information confidential and you are submitting online, simply mark the storage location information confidential in the online program. If the public requests a copy of your Tier Two report, they will receive a hard copy without the confidential location information.

Optional Attachments

If you choose to attach one of these documents, check the appropriate box. If you are submitting a Confidential Location Information Sheet and the attachment discloses location information that you wish to keep confidential, check this box on the Confidential Location Information Sheet only. The attachment should also be marked “confidential.” TIER II MANAGER™ allows you to attach such files to your submittal – as electronic files such as pdf files. Be sure to mark these files as confidential before you attach them if you do not want them made available to the public.

Certification

The owner or operator or the officially designated representative of the owner or operator must certify that all information included in the Tier Two submission is true, accurate, and complete. On the first page of the Tier Two report, print your full name and official title. Sign your name and enter the current date. Also enter the total number of pages in the submission, including all attachments.

Submissions to Michigan’s SERC should be mailed to:

Michigan SARA Title III Program
Department of Environmental Quality
PO Box 30457
Lansing, MI 48909-7957

SARA Title III information is available at
www.michigan.gov/deqsara
or contact the Michigan SARA Title III Program
517-373-8481
deq-ead-sara@michigan.gov